REMARKS

As an initial matter, Applicants wish to thank the Examiner for withdrawing the finality of the Office Action and all previous rejections, including the art based rejections.

Claims 1-21 are pending in this application with Claims 14-21 having been withdrawn from further consideration by the Examiner.

Rejection under 35 U.S.C. §102(a)

Claims 1-6, 9 and 12-13 are rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Jung et al. In particular, without providing any supporting evidence the Office Action alleges the publication date of the Jung et al. reference (Polymer **2001**, *42*, 161-165) is September 2000. Furthermore, the Office Action alleges that "Applicants can not rely upon the foreign priority papers" because a translated copy of the priority papers has not been made or record.

Enclosed herewith is a certified translated copy of the priority document thereby obviating this rejection. Since a submission of certified translated copy of the priority document renders this rejection moot, Applicants have not addressed the issue of the publication date of the Jung et al. reference or the merits of the rejection. Applicants explicitly reserve the rights to address these issues when, and if, they become necessary.

Rejection under 35 U.S.C. §102(b)

Claims 1, 2 and 5-8 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Tomihari et al. "optionally further evidenced by Morpholine (Environmental Health Criteria 179, 1996)." See item 5 on page 3 of the Office Action.

The Tomihari et al. reference is direct to a composition for aqueous protection for preventing primary corrosion of coated or plated surfaces. See the section entitled "Industrial application field" on page 3. Moreover, the alkali compound used in the Tomihari et al. reference are volatile compounds and the use of a low volatile compound is explicitly discouraged. See pages 7 and 8 under the heading

"Neutralization". Furthermore, the amount of volatile alkali compound used must be same as the amount that is need for neutralization of the acid component. See the second paragraph on page 8. Thus, in theory there is no excess alkali compound that is present in compositions discussed in the Tomihari et al. reference.

In contrast, for use in over-coating compositions for coating a photoresist composition as claimed in the present application, the basic compound used should not be volatile as they are needed to neutralize some of the acids that are generated during photolysis. Moreover, in order for the basic compound to be able to neutralize acids that are generated during photolysis, the amount of basic compound in the over-coating composition of the present invention must be such that excess basic compound is present relative to the amount of acrylic acid used. This is in a stark contrast to the Tomihari et al. reference where it is disclosed that the use of excess alkali compound is undesirable. See paragraph 3 on page 8.

Thus, the preamble "over-coating composition for coating a photoresist composition to provide a vertical photoresist pattern" used in claims of the present application inherently provides physical limitations that the amount of basic compound in compositions of the present invention must be sufficient enough such that an excess amount of the basic compound is present relative to the amount of acrylic acid in the over-coating composition.

Since the volatility and the amount of basic compound used are different, it is submitted that the compositions of the present invention are inherently different from the compositions discussed in the Tomihari et al. reference. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §102(b).

Rejection under 35 U.S.C. §103(a)

Claims 1, 2 and 4-11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the Tomihari et al. reference.

As stated above, the volatility and the amount of basic compound used in the Tomihari et al. reference and the present invention are inherently different.

Moreover, the Tomihari et al. explicitly stated that the use of alkali compounds having a low volatility is not desirable. Furthermore, the Tomihari et al. explicitly states it "is necessary for the amount of the volatile alkali added to be an amount corresponding to the amount that is needed for neutralization of the acid component in the...polymer." See the second paragraph on Page 8. These are tantamount to teaching away from using basic compounds of low volatility and using an excess amount of basic compounds relative to the amount of acid present in the polymer. Accordingly, it is submitted that the Tomihari et al. reference does not suggest or teach one skilled in the art to use the basic compounds (or the ratio of basic compound to acid component) of the present invention.

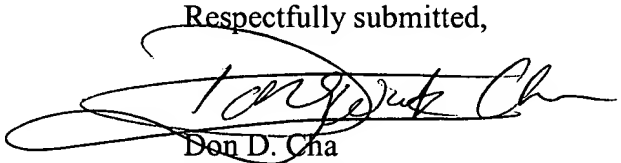
Therefore, Applicants respectfully submit that the rejections under 35 U.S.C. §103(a) based on the Tomihari et al. reference are improper and should be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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